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SUBJECT: CAR: TRAFFICKING IN PERSONS 2009 REPORT

(U) Overview of CAR's activities to eliminate Trafficking in Persons:

1A. Sources of information

The Ministry of Family and Social Affairs, the Ministry of Labor and the Ministry of Justice and some NGOs are the main sources of the limited information on trafficking in persons. With UNICEF's assistance, the Ministry of Family and Social Affairs, and the Ministry of Labor respectively developed a National Action Plan for the Prevention of Child Sexual Abuse and the Protection for Victims of Abuse in 2007, and conducted a nationwide study on Child Labor Related Violence in twelve regions out of sixteen in 2008. In the absence of other reliable data and estimates on trafficking in person in CAR, these sources are reliable.

1B. The Central African Republic is a source and destination country for children trafficked for force labor and sexual exploitation. While the majority of child victims are trafficked within the country, some are also trafficked to and from Cameroon, Chad, Nigeria, Congo Brazzaville and the Democratic Republic of Congo. Children are trafficked for domestic servitude, sexual exploitation, and forced labor in shops and commercial enterprises. No data or estimates are available as the country has no active program to monitor immigration and emigration patterns for evidence of trafficking or to screen for potential trafficking victims along its borders. Although Central African authorities are planning some measures to fight the trafficking in persons on their territory, the general population does not feel that there is evidence of major trafficking networks operating in or throughout the Central African Republic. The groups most at risk of being trafficked are children for forced labor and girls for sexual exploitation in urban centers.

There was no notable change in the TIP destination. However, the study conducted on Child Labor Related Violence in twelve regions of the country, whose results were published in June 2008, showing the magnitude of child labor in CAR and its consequences was the notable effort during the rated period.

1C. What kind of conditions are the victims trafficked into?

As noted above, most trafficked children are mainly used for domestic servitude, agricultural, mining and commercial activities, sometimes by members of their own family. The children are initially welcomed in the family for the purpose of pursuing their studies, but are later trafficked for labor or for the income they generate. This practice is particularly notable in the diamond mining sector in the CAR.

1D. Vulnerability to TIP.

The groups most at risk of being trafficked are children for forced labor and girls for sexual exploitation in urban centers.

¶E. Traffickers and methods:

The Central African Republic is a source and destination country for children trafficked for forced labor and sexual exploitation. While the majority of child victims are trafficked within the country, some are also trafficked to and from Cameroon, Chad, Congo- Brazzaville, the Democratic Republic of Congo, Togo and Nigeria. Children are trafficked for domestic servitude, sexual exploitation, and forced labor in shops and commercial labor activities. Perpetrators of these types of trafficking are usually from the local Nigerian, Cameroonian and Togolese business communities. Some victims are from the traffickers' family members or sometimes sold by their family.

¶24. SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS.

¶A. The Central African Government acknowledges that trafficking in persons is a problem in the country. The Central African Government set up an Inter-Ministerial Committee to Fight Child Exploitation. This inter-ministerial committee is made of the following ministries: Family and Social Affairs, Justice, Interior, Agriculture and Rural Development, Defense, Communication, National Education, Civil Service and Labor and Foreign Affairs.

¶B. The above mentioned inter-ministerial committee has responsibility to design the anti-trafficking in person's national policy. The Ministry of Family and Social Affairs have the leading role in this committee.

¶C. The Central African Government's lack of financial resources available for anti-trafficking efforts is the primary constraint to address the problem effectively. For instance, the Ministry of Justice developed a training program on trafficking in persons for its personnel at the National School for Administrators and Magistrates in 2005. This program was not implemented due to the CAR Government's financial constraints. The National Action Plan developed by the Ministry of Family and Social Affairs with UNICEF's assistance has been submitted to various donors for funding, but it, too, will depend on generous outside support if it is to be implemented by the government. The government lacks the resources to aid victims.

¶D. As of now, the Central African Government's anti-trafficking efforts are limited to the establishment of the inter-ministerial committee to fight various forms of trafficking in persons, along with one high-profile child trafficking arrest and investigation. Some awareness campaigns have been conducted by the Ministry of Family and Social Affairs. The most recent action is a study on Child Labor Related Violence conducted in twelve of 16 regions of the country. This study whose results were published in June 2008 was sponsored by the Ministry of Family and Social Affairs and the Ministry of Labor. This study helped understand the magnitude of this problem, particularly in mining, agriculture and other informal activities.

¶25. INVESTIGATION AND PROSECUTION OF TRAFFICKERS.

¶A. Since the last TIP report the Central African Government did not enact the legislation under preparation since 2006. The draft of the new penal code integrating prohibitions for all forms of human trafficking prepared by the ministry of Justice was reviewed by a committee of experts, but has still to be approved by the council of ministers. With regard to law enforcement efforts to combat TIP, the CAR entered into bilateral agreement with Cameroon on August 24, 2006 to combat transnational crime including trafficking in persons. At a regional conference held in Abuja, Nigeria in July 2006, CAR also adopted the ECCAS/ECOWAS Multilateral Agreement and an Action Plan to combat TIP.

¶B. Punishment of sex trafficking

The current Central African Penal Code includes law repressing various forms of human trafficking and covers both national and external forms of trafficking in persons. The penalties are:

Imprisonment from five to ten years in case of rape and forcible assault, and when the victim is less than 18 years old, the penalty is hard labor.

C. Punishment for labor trafficking offenses

Prescribed and imposed penalties include the same penalties for trafficking for labor exploitation such as forced or bonded labor, and involuntary servitude: five to ten years imprisonment. Post has no data on the number of convicted persons of trafficking offenses.

D. Prescribed penalties for rape or forcible sexual assault

The Central African Penal Code provides for three months to two years imprisonment. When the victim is less than 18 years, the penalty is three to five years depending on the circumstances.

E. Law enforcement statistics

According to the prosecutor, cases against traffickers are rare. However, one Nigerian man was arrested in December 2007 with two accomplices attempting to buy a girl. Central African authorities announced the arrest and investigation of the three men on trafficking charges. During 2008, the Criminal Court sentenced the Nigerian man to two years prison and his accomplices to respectively one year and six months. The current penal code was used in this case.

F. Specialized training programs for government officials

The Central African Government did not provide any specialized training programs for government officials in how to recognize, investigate and prosecute instances of trafficking. For instance, labor inspectors and other enforcement officials constantly reported that they are not provided the resources needed to identify and investigate trafficking cases.

G. Cooperation with other governments

With the exception of prevention effort at the regional level, although the Central African Government signed several regional and international conventions to combat trafficking in persons, the cooperation with other governments in the investigation and prosecution of trafficking remains limited during the reporting period.

H. Extradition of person charged with trafficking

No one charged with trafficking in persons has been extradited to another country from the CAR. However, as result of signing several agreements and ratifying many international conventions prosecuting various forms of trafficking, Ministry of Justice officials claim that the Central African Government will abide by these commitments and should extradite traffickers when required.

I. Evidence of Government involvement

There is no evidence of Central African Government officials' involvement or tolerance of trafficking on a local, national, or international level.

J. N/A

K. Prostitution

Prostitution is widely tolerated in the Central African Republic, though it is not regulated. Prostitution is not a criminal offense under Central African laws, nor is operating a brothel. Although prostitution is not regulated, Central African laws protect minor of less than 18 years old from engaging in prostitution. Any person over 18 years old can freely engage in prostitution.

L. N/A

1M. N/A

126. PROTECTION AND ASSISTANCE TO VICTIMS

At the exception of the current Penal Code, there is no specific law enacted to protect victim and witnesses.

1B. Victim care facilities

The Ministry of Family and Social Affairs operates a shelter for children in distress called Centre de la Mere et de l'Enfant with the capacity to house 35 orphans and children in distress. Once these children reach the age of five, the government refers them to the SOS village d'Enfants and other NGOs. SOS Village d'Enfants is active in CAR since 1992. As of today this NGO is taking care of 111 children aged from 0 to 20 years old. Sometimes children in distress are welcomed by religious institutions. It is possible that some of these children are victims of TIP. However, there is no evidence that there are trafficking victims among them.

The level of funding of private from these organizations is not known.

1C. Services provided to victims.

Due to its financial resources constraints, the Central African Government does not provide any form of funding or particular support to foreign or domestic NGOs for services to victims.

Paragraphs D&E: Assistance to foreign trafficking victims: No such assistance is available.

1F. N/A

1G. The total number of trafficking victims is not known.

1H. At present, the Central African Government does not have any formal system of identifying victims of trafficking. The Central African government is in the process of modifying the country's penal code to include legal specific provisions to repress trafficking. In the meantime, the Inter-Ministerial Committee on Trafficking adopted a National Action Plan, which has not yet been implemented. Major measures in this plan include prevention, prosecution and protection of victims.

I .Rights of victims

According to the Ministry of Justice officials, the rights of victims are respected. Trafficking victims are not detained, jailed, fined nor prosecuted.

1J. Trafficking victims are encouraged in principle to assist in the investigation and prosecution of traffickers. Victims can file civil suits to seek damages from traffickers but this is rarely done. The Central African Government has no official victim restitution program in place.

1K. Central African Government does not provide at present any specialized training in recognizing trafficking for Government officials. Central African embassies and consulates personnel in foreign countries do not benefit from any training program focused on trafficking protection and assistance.

1L. Central African Government does not provide any assistance to its nationals who are repatriated as victims of trafficking.

1M. There is no international organization or NGOs with such specific programs in place. UNICEF is the major international organization and principal Central African partner for protecting trafficking victims and raising trafficking issues. UNICEF assisted the Government in raising awareness on the existence of TIP in the Central African Republic and in preparing the Government's National Action Plan. The Central African authorities cooperated in conducting the first study on the issue of trafficking in 2005. Note that UNICEF's financial assistance was crucial for the recent study on the Children' Labor Related Violence in 12 regions out of 16 of the country

whose final conclusions report was published in June 2008.

127. PREVENTION

1A. The Central African Government acknowledges that trafficking is a problem in the country. During the past years the Government took some measures including the set up of an Inter-Ministerial Committee to Combat Trafficking of Children. The Ministry of Justice drafted a new Penal Code integrating new provisions targeting trafficking in persons. The Central African Republic entered into agreement with Cameroon on August 24, 2006, to combat transnational crime including trafficking in persons. The CAR adopted also during the same year the ECCAS/ECOWAS Multilateral Agreement and Action Plan to combat TIP. However, no notable progress was recorded during the reporting period in terms of adopting specific law repressing TIP. As each year, the major event was the awareness campaign organized at the occasion of the celebration of the African Children day during the month of June.

Notable new anti-trafficking efforts to be mentioned during the reporting period were:

--The publication of the results of study on the Children's Labor Related Violence, sponsored by the Ministry of Family and Social Affairs and the Ministry of Labor during the month of June. This study focused on the child labor in agricultural, mining, commercial activities and showed the magnitude of the problem and its consequences on the children schooling.

--A workshop on the new forms of slavery in the Central African Republic, organized by l'Observatoire Cerntrafricain des Droits de l'Homme, (OCDH) a local NGO active in the promotion of human rights in CAR in October 2008. This workshop objective was to sensitize selected audiences to the issue and encourage the adoption of specific legislation on trafficking in persons. More than 120 participants representing key ministries members of the Inter-Ministerial Committee to Combat Trafficking of Children, National Assembly members and NGOs involved in the human rights promotion attended this workshop.

1B. The Central African Republic has no active program to monitor immigration and emigration patterns for evidence of trafficking or to screen the potential for trafficking victims along its borders. The Central African Government does not fully control its land borders at this time, and there is no evidence suggesting major trafficking networks are operating in or through the Central African Republic.

1C. Mechanism for coordination and communication: The Inter-Ministerial Committee to Fight Child Trafficking, composed of 9 ministry representatives, is playing the leading role of coordination and communication among various interested partners in the fight against trafficking in persons in the CAR. This inter-ministerial committee is tasked:

--To lead awareness campaign on the various forms of child trafficking;

--To propose to the CAR Government necessary institutional reforms to eradicate child trafficking.

--The Inter-Ministerial Committee is tasked with working to involve other national and international organizations in the process including interested NGOs and international partners;

--To develop and oversee national anti-trafficking efforts in the areas of prevention, prosecution and protection.

1D. Action Plan: The Central African Government adopted an Action Plan to Combat Child Sexual Exploitation and Abuse including sex trafficking in September 2006. It also adopted another Action Plan to address the different forms of trafficking in persons. This action plan prepared with UNICEF assistance was adopted in January 2007 during a special workshop attended by members of the inter-ministerial committee as well as interested NGOs. This plan has not yet been fully implemented.

1E. Measures taken to reduce demand for commercial sex acts: the Central African Government did not take any particular measure to reduce demand for commercial sex acts.

F. Measures to reduce participation in international child sex tourism by national of the country: Sex tourism is unknown in the CAR.

G. CAR did not contribute any peace keeping troops during the rating period.

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